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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
NICHOLAS SOLIS,  
  
Defendant.

CASE NO. 1:21-CR-00083-DAD-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
AND ORDER

DATE: April 27, 2022  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

This case is set for STATUS CONFERENCE on April 27, 2022. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 27, 2022.
2. By this stipulation, the parties move to continue the status conference until July 13, 2022, and to exclude time between April 27, 2022, and July 13, 2022, under 18 U.S.C. § 3161(h)(3)(A).
3. The parties agree and stipulate, and request that the Court find the following:
  - a) On April 14, 2022, the Honorable Erica P. Grosjean, U.S. Magistrate Judge in and for the Eastern District of California signed a Pretrial Release Violation Petition and issued a bench warrant for the arrest of Nicholas Solis. The Petition alleges that "On April 14, 2022, Pretrial Services made telephonic contact with the individual with whom the defendant resided and was informed the defendant moved from the residence at the beginning of March 2022.

1 Notably, the defendant moved from his residence without the approval of his pretrial services  
2 officer. In addition, prior efforts to contact the defendant over the course of the past several  
3 weeks have been unsuccessful and his whereabouts are currently unknown. Pretrial Services  
4 currently has no way of contacting the defendant.”

5 b) Federal law enforcement have made and continue to make attempts to locate the  
6 defendant but have been unable to find him. His whereabouts are unknown and cannot be  
7 determined by due diligence.

8 c) Nicholas Solis is absent, as “his whereabouts are unknown and, in addition, he is  
9 attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due  
10 diligence.” *See* 18 U.S.C. § 3161(h)(3)(B).

11 d) The Speedy Trial Act provides that “[a]ny period of delay resulting from the  
12 absence . . . of the defendant . . .” “shall be excluded in computing the time . . . within which the  
13 trial . . . must commence.” 18 U.S.C. § 3161(h)(3)(A).

14 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
15 et seq., within which trial must commence, the time period of April 27, 2022 to July 13, 2022,  
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(3)(A) because this period of  
17 delay has resulted from Nicholas Solis being absent.

18 f) If the defendant is apprehended before July 13, 2022, the parties will appear  
19 before the court on the violation petition and will address any necessary future status conferences  
20 and time exclusions at that time.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
23 must commence.

24 IT IS SO STIPULATED.

25 Dated: April 15, 2022

26 PHILLIP A. TALBERT  
United States Attorney

27 /s/ JUSTIN J. GILIO  
28 JUSTIN J. GILIO  
Assistant United States Attorney

1 Dated: April 15, 2022

2 /s/ Yan Shrayberman  
3 Yan Shrayberman  
4 Counsel for Defendant  
5 NICHOLAS SOLIS  
6

7 **ORDER**

8 IT IS SO ORDERED that the status conference is continued from April 27, 2022, to **July 13,**  
9 **2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18  
10 U.S.C. § 3161(h)(3)(A).  
11

12 IT IS SO ORDERED.

13 Dated: April 15, 2022

14 /s/ Barbara A. McAuliffe  
15 UNITED STATES MAGISTRATE JUDGE  
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